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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
KAMIL MISZTAL,  
  
Defendant.

CASE NO. 2:22-MJ-00067-AC

STIPULATION AND ORDER FOR EXTENSION  
OF TIME FOR PRELIMINARY HEARING  
PURSUANT TO RULE 5.1(d) AND EXCLUSION  
OF TIME

Plaintiff United States of America, by and through its attorney of record, Assistant United States Attorney Jason Hitt, and defendant Kamil Misztal, both individually and by and through his counsel of record, John Kucera, Esq., hereby stipulate as follows:

1. The Complaint in this case was filed on April 29, 2022, and defendant first appeared before a judicial officer of the Court in which the charges in this case were pending on May 12, 2022. The defendant is currently is out of custody and under conditions of pretrial supervision.

2. By this stipulation, the parties jointly move for an extension of time of the preliminary hearing date of December 8, 2023, to January 30, 2024, at 2:00 p.m., before the duty Magistrate Judge, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. The parties stipulate that the delay is required to allow the defense reasonable time for preparation, and for the government's continuing investigation of the case. The parties further agree that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The government has provided initial disclosure in the case and it consists of written

1 reports, photographs, audio files, and related materials. In addition, the parties are in discussion about a  
2 pre-indictment resolution to this case, as well as a separate investigation in a different federal judicial  
3 district. In addition, since the last request, defense counsel was injured in a significant accident and is  
4 recovering from injuries sustained in that accident.

5 3. The parties agree that good cause exists for the extension of time, and that the extension  
6 of time would not adversely affect the public interest in the prompt disposition of criminal cases.  
7 Therefore, the parties request that the time between December 8, 2023, and January 30, 2024, be  
8 excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

9  
10 IT IS SO STIPULATED.

11 Dated: December 6, 2023

PHILLIP A. TALBERT  
United States Attorney

13  
14 /s/ Jason Hitt  
JASON HITT  
Assistant United States Attorney

15  
16 Dated: December 6, 2023

17 /s/ John Kucera by Jason Hitt  
JOHN KUCERA, Esq.  
Counsel for Defendant  
Kamil Misztal  
Authorized to sign for Mr. Kucera by  
local counsel on December 6, 2023

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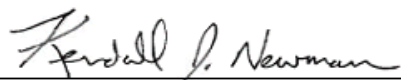
ORDER GRANTING EXTENSION OF TIME FOR  
PRELIMINARY HEARING PURSUANT TO RULE  
5.1(d) AND EXCLUSION OF TIME

The Court has reviewed the stipulation of the parties in this matter requesting an extension of time of the preliminary hearing date to January 30, 2024, at 2:00 p.m., pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. Based upon the representations of the parties, the Court makes the following findings:

1. Good cause exists to extend the preliminary hearing set for December 8, 2023, to January 30, 2024, at 2:00 p.m., before the assigned duty Magistrate Judge, Judge Claire. Fed. R. Crim. P. Rule 5.1(d); and
2. The interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial and time is therefore excluded from the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), Local Code T4.

**IT IS SO ORDERED.**

Dated: December 7, 2023

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE